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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/267,973 03/12/99 TURKEVICH

L 12161.2

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IM22/1128

EXAMINER

GRAY, J

ART UNIT

PAPER NUMBER

1774

DATE MAILED:

11/28/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

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Office Action Summary

Application No.

09/267,907 3

Applicant(s)

TURKEVICH ET AL

Examiner

Jill Gray

Group Art Unit

1774



☒ Responsive to communication(s) filed on Jul 25, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 9, 12-16, 23, 50, and 55-67 is/are pending in the application.

Of the above, claim(s) 23 is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 50 and 55-67 is/are rejected.

☒ Claim(s) 9 and 12-16 is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 4

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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1. Applicant's election of Group I, claim 20 in Paper No. 6 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).
2. The use of the trademark "TICON 5016" has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 50 and 55-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawabe et al 6,002,299 (Kawabe) in view of Japanese Patent Abstracts JP 60126310 (Mitsubishi) and JP 63288216. (Oshida).

Kawabe teaches an electret article in its final shape such as a face mask and comprising a fibrous porous article such as a nonwoven fabric, wherein the nonwoven fabric can be melt-blown or spun - bonded thermoplastic material with ferroelectric materials such as barium titanate incorporated therein. The thermoplastic materials can be polyolefin such as

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polypropylene. Kawabe is silent as to the amount of barium titanate incorporated Mitsubishi and Oshida each teach thermoplastic fibers having ferroelectric material incorporated therein in the amount set forth by applicants. It would have been obvious to one of ordinary skill in the art at the time the invention was made ^{to} include the ferroelectric material of Kawabe in an amount as known in the art and as taught by Kawabe with the reasonable expectation of obtaining the efficacious properties associated therewith. As to the fiber diameter, this property is inherent in the fibers of Kawabe based upon the disclosed fiber making processes. Such as melt-blowing and spun-bonding.

As a result, it would have been obvious to one of ordinary skill in the art to produce a face mask essentially as claimed on the present claims 50 and 55-66, motivated by the combined teachings of Kawabe, Mitsubishi and Oshida.

4. Claims 9 and 12-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. No claims are allowed.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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7. Any inquiry concerning this communication should be directed to J. M. Gray at telephone number (703) 308-2381.

J.M. Gray/om
October 27, 2000

J. M. Gray
Patent Examiner
Group 1, 200